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ABSTRACT

This research brief summarizes a study that investigated whether the diverse cultural makeup of many communities requires the criminal justice system to modify its approach, particularly in handling immigrants. The study examined whether immigrant victims have more difficulty than other victims in dealing with the police and courts because of differences in language, expectations, and treatment by officials. Researchers surveyed police chiefs, prosecutors, court administrators, and victims from diverse immigrant neighborhoods. According to the results, many recent immigrants fail to report crimes. Most participants saw this failure to report crimes as a serious problem which allowed criminals to go free and eroded the ability of the criminal justice system to function effectively. Domestic violence was the least reported crime. Sexual assault and gang violence were also underreported. Most incidents described by respondents involved perpetrators from the same ethnic group as the victim. Officials believed that immigrants faced great hardships when reporting crimes to police or appearing in court, including language barriers, cultural differences, and ignorance of the U.S. justice system. Immigrants who reported crimes and appeared in court mostly reported positive experiences. Two sidebars present innovative programs serving immigrant victims and promising findings. (SM)

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National Institute of Justice

Research in Brief

Jeremy Travis, Director

May 1998

Issues and Findings

Discussed in this Brief: Findings from an NIJ-sponsored survey and selected site visits undertaken to provide a broad picture of the problems and barriers recent immigrant groups encounter as consumers of criminal justice services, their difficulties in accessing justice, and the ways to improve the criminal justice response to their needs and problems.

Key issues: Researchers and experts previously have suggested that immigrant populations are victimized at rates similar to the general population, but their rates of reporting crime are lower, and because of differences in language, expectations, and treatment by officials, immigrant victims have a more difficult time than other victims dealing with the police and the courts.

Key findings:

- Most (67 percent) of the officials responding to a national survey agreed that recent immigrants report crimes less frequently than other victims. Only 12 percent thought that recent immigrants were as likely or more likely to report crimes.
- Survey respondents said that domestic violence was the crime least reported. Sexual assault and gang violence were also thought more likely to go unreported. In a sample taken from immigrant

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Immigrant Populations as Victims: Toward a Multicultural Criminal Justice System

by Robert C. Davis and Edna Erez

The increasing influx of immigrants to the United States poses special challenges for the criminal justice system. Until recently, however, social science research has paid little attention to immigrants in the criminal justice system. A recent national assessment program survey conducted for the National Institute of Justice (NIJ)[1] revealed that the issue of cultural diversity has become a concern of criminal justice professionals.

This Research in Brief summarizes a study that investigated whether the diverse cultural makeup of many communities requires the criminal justice system to modify its approach, particularly in handling recent immigrants. The study addressed a previously unexamined question—whether immigrant victims have a more difficult time than other victims in dealing with the police and the courts because of differences in language, expectations, and treatment by officials.

The consensus among officials who responded to the national survey and among leaders of six ethnic communities whom researchers interviewed for this study is that many recent immigrants do indeed fail to report crimes. Many of the study participants saw this failure to report crimes as a serious problem, allowing criminals to go free and eroding the ability of the criminal justice system to function effectively. This Research in Brief discusses these and other major findings of the study.

Research strategy

In the study's first phase, a survey was mailed to police chiefs, prosecutors, and court administrators from the 50 largest U.S. cities. Of the 150 officials who received the surveys, 92, or 61 percent, responded. Responses were received from 37 police chiefs (74 percent) and 32 prosecutors (64 percent), but only 23 court administrators (46 percent) returned completed forms.

For the study's second phase, researchers chose two cities—New York and Philadelphia—for intensive investigation because they have large numbers of recent immigrants from several countries and innovative programs to address cultural diversity. Using Immigration and Naturalization Service (INS) data, researchers determined where immigrants of various ethnic groups settled in each city between 1980 and 1990.

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Issues and Findings

continued

communities in Philadelphia and New York, most incidents described by those interviewed involved perpetrators from the same ethnic group as the victim. In the New York sample, most crimes involved domestic violence.

- Approximately one-third (31 percent) of officials responding to the survey believed that underreporting of crimes by recent immigrants prevented adequate use of law enforcement resources in immigrant communities. Officials believed that immigrants faced greater hardships when reporting crimes to police or appearing in court, including language barriers, cultural differences, and ignorance of the U.S. justice system. Immigrants who reported crimes and who appeared in court, however, mostly reported positive experiences. More than 9 out of 10 understood the court proceedings, and many expressed greater faith in the U.S. system than in the systems of their native countries.

- Further research needs to be done on underreporting of crimes by specific immigrant groups and on its correlation with their degree of isolation from the law enforcement and criminal justice systems. Research is also needed to compare immigrant and native-born victims' expectations of, rates of participation in, and satisfaction with the court system. This research could help determine what accommodations need to be made to help immigrant victims.

Target audience: State and local policymakers, law enforcement supervisors and officers, prosecutors, court administrators, and community leaders.

In each city, one neighborhood with a strong multiethnic character was targeted for participation. Researchers chose New York's Jackson Heights area and Philadelphia's Logan section because both neighborhoods had large recent influxes of at least three ethnic groups. In each city, researchers interviewed samples of victims, some of whom had reported crimes to the police and others who had not.

In Jackson Heights, researchers studied Colombians, Dominicans, and Indians. The sample, collected from service logs of the neighborhood victim services office, consisted of all victims who had sought assistance for crime-related problems within the past 12 months and who were listed as having a country of origin other than the United States. Telephone interviews were conducted by multilingual victim services staff. Of the 87 Jackson Heights victims interviewed, 40 percent were from South America, 22 percent from the Caribbean basin, 22 percent from Europe, and 13 percent from Asia. Most immigrants interviewed said they were legal U.S. residents.

In Philadelphia's Logan section, the study targeted Vietnamese, Cambodians, and Koreans. The Philadelphia sample subjects were nominated by several local informants, including police officers, district attorney staff, and social service personnel. Of the 26 victims interviewed, 12 were interviewed in their homes and 14 were interviewed by telephone. All interviews in Philadelphia were conducted by local Asian ethnic contractors.

Overview of national survey

Sixty-seven percent of the officials surveyed believed that recent immigrants report crimes less frequently than other victims. Only 12 percent indicated that recent immigrants are as likely or more likely to report crimes. Most officials said they formed their beliefs from statements made by community leaders, but personal experience, the media, and police data were also cited as sources of officials' beliefs.

Reasons behind underreporting. In trying to pinpoint the sources of underreporting, the survey asked officials whether they thought underreporting was a problem only among undocumented immigrants. More than half (56 percent) of the respondents stated that the problem of underreporting is not limited to undocumented immigrants. The survey also asked whether underreporting is more common among particular ethnic groups. Officials' responses indicated that Asians (53 percent) and Latinos (42 percent) were the groups most likely to underreport, although these groups may have been named most frequently because the respondents are most familiar with them.

Researchers also tried to determine if the type of crime contributes to underreporting. Nearly one-quarter of the respondents said that domestic violence is the least reported crime. Sexual assault and gang violence were cited nearly as often, together accounting for more than two in three responses.

Effects of underreporting on the criminal justice system. One-third of respondents believed that underreporting of crimes by recent immigrants poses a serious problem to the criminal justice system. Another 28 percent believed it poses at least a minor problem. Inadequate crime control is one of the drawbacks of underreporting, said 52 percent of the

Innovative Programs Serving Immigrant Victims

For the second phase of this study, researchers were interested in studying cities with innovative programs focusing on the needs of recent immigrants, especially those who become victims of crime. Both of the selected cities have well-established programs that provide services to immigrants.

Philadelphia

Although not known as a city with large immigrant populations, Philadelphia is a national leader in criminal justice programs that serve immigrants. Both the district attorney's office and the Philadelphia Police Department have outreach programs to Southeast Asian immigrants.

In the district attorney's office, Vietnamese and Cambodian caseworkers screen arrest reports citywide for victims with Southeast Asian surnames and attempt to contact these individuals by telephone or letter. Brochures describing the court process are provided in Cambodian, Vietnamese, and Korean.

The caseworkers communicate with victims in their native languages, answering questions about the court process, notifying them of court dates and milestones, and encouraging them to go to court. They also arrange for interpreters or go to court with victims. In serious cases, caseworkers help victims complete a victim impact statement, in cases proceeding to trial, caseworkers aid victims in preparing for testimony.

Caseworkers also work to educate the community about the court system. They conduct workshops that include mock hearings in the immigrants' languages. They also talk to children of Southeast Asian immigrants in schools.

The Logan community has a police ministation, which is home base for a Vietnamese police liaison staff person. The staff person attends meetings of Vietnamese organizations, discusses how to report crimes to the police, and explains how the U.S. criminal justice system works. Vietnamese who live anywhere in Philadelphia are encouraged to call the liaison to report crimes or receive feedback on the status of investigations. A similar liaison for Cambodians is based in a ministation near the University of Pennsylvania where several Cambodian-owned stores are located.

Jackson Heights

The Jackson Heights neighborhood of New York City offers services to immigrants through the following programs provided by the victim services office.

- Crime victim services. This program offers practical assistance to immigrant victims such as lock replacement, shelter referral, and multilingual counseling, including both individual treatment and support groups. Staff help immigrants determine eligibility for various social services. They promote their services through presentations at schools, day-care centers, and other locations.

- Legal services. This program provides legal counseling, free or for a sliding-scale-based fee, on immigration-related issues such as applications for visas or for citizenship, petitions for relatives to join the family in the United States, or deportation or exclusion hearings.

- Immigration hotline. Part of a statewide service, this program offers information on immigration law and procedures from counselors fluent in 14 languages. It also provides information about access to city and State services, employment and housing discrimination, English-language classes, and such language resources as translation and interpreter services.

- Educational program. This program offers classes in English as a second language, general equivalency diploma, and preparation for citizenship.

In addition, the police in this precinct have a Spanish-speaking receptionist on duty at all times, hold frequent open houses for community members, patrol neighborhoods on foot, support an active police-community council, and have community relations officers who act as liaisons with ethnic groups. The district attorney's office works with community organizations such as the Jackson Heights Action Group to address crime-related issues.

survey respondents. Underreporting leads to undercounting of crimes in areas populated by recent immigrants, and as a result, according to 31 percent of the respondents, too few funds are allocated for law enforcement resources in those immigrant communities.

Pressure factors. Many officials believed that, compared to other crime victims, recent immigrants face different pressures in deciding to cooperate with law enforcement authorities. Some suggest that this pressure is caused by the fear of becoming involved with the authorities. Possible embarrassment to their families also prevents immigrants from reporting crime. In some cultures, said one official from the Baltimore Police Department, "it brings great shame on the family to report a crime such as rape or robbery to the police."

Hardships of immigrants dealing with the criminal justice system. About two-thirds of the respondents believed that recent immigrants face greater hardships when reporting crimes to police. Language poses the

greatest hardship, said 47 percent. Respondents also named other hardships such as cultural differences in conceptions of justice (22 percent) and lack of knowledge of the criminal justice system (15 percent).

Recent immigrants face greater hardships in coming to court as well, said two-thirds of the responding officials. Again, language was named most often (39 percent of respondents) as a hardship in involvement with court. Respondents indicated that the language barrier poses no problem in communicating with officials because interpreters often are available. Rather, they stated that immigrants have trouble understanding court proceedings conducted in English even when they are translated.

Cultural differences and ignorance of the U.S. justice system also discourage victims from coming to court, according to respondents. Less frequent reasons cited were distrust of the system, fear of retaliation, lost wages, unresponsiveness of officials to immigrants' concerns, and lack of transportation.

Accommodating immigrant victims. The survey found that many officials are aware of the problems recent immigrants face in dealing with the criminal justice system. As a result, nearly half of the respondents reported that their organizations have programs, policies, or practices in place to assist immigrant victims. (See "Innovative Programs Serving Immigrant Victims.") The most common type of service (among 54 percent of responses) is multilingual assistance or translators. For example, in some New York Police Department precincts, receptionists speak the language of immigrants in the community and aid victims in reporting offenses. About a quarter of the efforts to accommodate immigrant victims involve outreach to various immigrant communities.

Exhibit 1: ***Characteristics of the Victim Samples***

	Jackson Heights	Logan
Victims who are Latin American natives	62% (n=87)	0% (n=25)
Victims who are Asian natives	13% (n=87)	100% (n=25)
Victims who are legal residents of the United States	87% (n=87)	100% (n=25)
Cases involving domestic violence	54% (n=86)	8% (n=26)
Victims with close ties to perpetrator	59% (n=85)	15% (n=26)
Incidents that were part of a pattern	61% (n=87)	8% (n=25)
Incidents involving perpetrator from same ethnic group	75% (n=80)	59% (n=22)

One-third of respondents also reported that non-English informational brochures are available. One in four respondents reported holding regular meetings with leaders of ethnic groups, and about two-thirds work with citizen liaison committees, including members of ethnic communities. Both meetings with community leaders and liaison committees are most common in police agencies and least common among court administrators' offices. Two-thirds of the organizations reported that staff participate in cultural sensitivity training.

Site work and victim survey

As can be seen in exhibit 1, the two victim survey samples differed in ways other than ethnicity. In speaking to leaders in the ethnic communities studied, researchers were led to believe that underreporting was an especially serious problem among Dominicans in Jackson Heights and among Cambodians in Logan. These two communities also appeared to be the most insular, disenfranchised, and lacking in internal cohesion. The contextual effects of neighborhood culture have been found to be important determinants of attitudes toward the police,[2] and the same may be true for crime reporting. Researchers of this study hypothesize that crime reporting among immigrant communities is directly related to the extent to which a community is organized and tied into the fabric of the larger community.

In many ways, the Jackson Heights and Logan samples were similar. For example, the majority of incidents in both samples involved perpetrators from the same ethnic group as the victims. This finding is consistent with other studies that suggest immigrants often prey on each other rather than on outsiders.

Who reports crime and who does not. Researchers conducted an analysis of who reports and who does not report crimes to the police to determine what factors affect reporting of crime. The analysis included educational level, country of origin, type of crime (domestic violence versus other crimes), immigration status (legal versus illegal resident), and information concerning whether the crime was committed by someone of the same ethnic group.

A multivariate analysis found that only the type of crime by which one was

victimized was a significant predictor of who reports crime: Respondents who were victims of domestic violence were less likely to report their victimization to the police than victims of other crimes. Efforts are needed to educate and encourage victims of domestic violence to come forward and report such a crime.

Prevalence of domestic violence. Domestic violence was the largest category of victimization reported by immigrant victims, particularly in the Jackson Heights sample, where it accounted for 54 percent of all incidents. If the prevalence of domestic violence in the study's sample parallels that in the community, domestic violence is the most common crime experienced by recent immigrants in Jackson Heights.

The prevalence of domestic violence in Jackson Heights may result from the fact that its respondents came largely from Latin American countries in which men who physically chastise their wives and children are not challenged to the degree that they are in the United States. Wives begin to report abuse by their husbands when they learn that violence within families in the United States is considered a criminal violation rather than a legitimate form of discipline.[3]

In addition, the prevalence of domestic violence in the Jackson Heights sample may reflect priorities of the victim services office and outreach efforts such as advertising, sending letters to persons who report crimes, and speaking to community groups.

Another possibility is that victims of domestic violence seek or accept services more often than victims of other crimes (although it cannot be assumed that *all* domestic incidents are best resolved by law enforcement approaches).[4] The study's findings of underreporting of domestic violence among immigrants parallels underreporting of this crime among the population at large.[5]

In contrast to the Jackson Heights sample, just 8 percent of the Logan sample involved domestic violence. (An explanation of the difference is that most of the Logan sample was nominated by criminal justice officials [police, prosecutor], whereas the Jackson Heights sample was derived from victim services records.) Most victimizations in the Logan sample were robberies and burglaries (each comprising about one-third of the sample). Therefore, few victims from the Logan sample had close ties to their perpetrator (4 in 5 were strangers), whereas 6 in 10 Jackson Heights victims reported close ties to the perpetrator and a pattern of incidents. The victimizations in the Logan sample are to some extent a function of the areas in which recent immigrants reside—that is, poor and dangerous parts of the city. The tendency of recent immigrants to avoid depositing their earnings in banks also makes them especially vulnerable to robbery and burglary.

Positive experiences. Exhibit 2 displays the experiences of victims with the criminal justice system. In each sample, about two in three respondents had reported an incident to the police, and their experiences with law enforcement were generally positive. Combining the two samples, fewer than 1 in 5 respondents reported having difficulties communicating with police officers, and 9 in 10 said police were very or somewhat responsive to their concerns.

Exhibit 2. ***A Comparison of Victim Experiences With the Police and Courts***

	Jackson Heights	Logan
Victims who reported incident to police	69% (n=87)	65% (n=26)
Victims who had problems communicating with police	7% (n=54)	14% (n=14)
Victims who felt police were responsive to their concerns	84% (n=56)	94% (n=17)
Victims who did not understand what was happening in court	15% (n=13)	0% (n=9)
Victims who felt people in court were responsive to their concerns	71% (n=14)	89% (n=9)
Victims who were satisfied with case outcome	61% (n=13)	89% (n=9)
Victims who would report same crime in country of origin	59% (n=85)	17% (n=24)
Victims who would report same crime again in the United States	91% (n=86)	96% (n=25)

Only a small percentage of victims in either sample reported having attended court. About a third of these found some hardship associated with going to court. Instances such as long waits in court for a victim's case to be called or repeated adjournments were particularly burdensome for victims who had small children or owned small

businesses. Victims also were upset that the system was too soft on criminals. Some did not understand the concept of pretrial release for an offender. Others felt the penalty imposed on an offender was too lenient. Said a father of an assault victim: "They just let him go. I wasted my time coming to court, and he didn't go to jail."

Still, those interviewed who attended court reported generally positive experiences. Fewer than 1 in 10 respondents in the combined sample said they did not understand what was happening in court, and 8 in 10 reported they were treated very or somewhat well by officials. Persons for whom the court experience exceeded expectations outnumbered those who were disappointed by 2 to 1. Logan respondents were overwhelmingly satisfied with the outcome of their cases. A smaller proportion (but still a majority) of Jackson Heights respondents were satisfied with case outcome.

Respondents in both samples had greater faith in the U.S. justice system than in the justice system of their native countries. Exhibit 2 shows that more than 9 in 10 victims from both samples said they would call the police if a similar incident happened again. However, a much smaller proportion said they would have reported the incident if it happened in their country of origin.

The perceptions of these immigrant victims compare favorably to perceptions measured among general victim samples.[6] In fact, this immigrant victim sample was even more positive about the police and the courts than anticipated, considering other work with nonimmigrant victim samples. Future research may find that immigrants share many of the same experiences in the criminal justice system as native-born victims, although expectations, which often color victim experiences,[7] may be different for recent immigrants. (See "Promising Findings.")

That is not to say, however, that respondents encountered no problems in the justice process. Some victims believe that the U.S. penal system is too lenient and that criminals in the United States are provided with too many rights. A few victims believe they were treated brusquely by police.

Surprising results

Considering the views held before the study, researchers were surprised that victims surveyed reported few problems in their encounters with the justice system, including few language impediments in dealing with either the police or the courts. It should be noted, however, that language obstacles to participation in the criminal justice system may be unusually low in the two sites chosen for research because of unusual concern in these cities for immigrants. According to the national survey, most jurisdictions do not provide services such as those used in the target cities: AT&T language lines, available through the 911 system, which forward callers to interpreters of their language; availability of multilingual staff; and outreach to ethnic victims.

The study's sample may not have been representative of immigrant populations in the two neighborhoods studied. Although multilingual interviewers were used, it is possible that those who spoke English better and were more committed to pursuing criminal justice were oversampled.

The high degree of satisfaction with the police and the courts expressed by respondents was also somewhat surprising. In fact, researchers found that satisfaction with the criminal justice system was as great or greater among this group of immigrants than among victims at large.[8] It seems that recent immigrants highly appreciate efforts to

Promising Findings

Although many criminal justice agencies had few or no programs and practices to help immigrant victims, in the course of conducting the national survey of criminal justice officials, researchers encountered many innovative ideas to accommodate immigrant victims, including the following:

- Incorporating leaders of immigrant communities into citizen advisory boards for police and prosecution agencies.
- Enhancing ethnic diversity among staff of criminal justice agencies.
- Ensuring the availability of written material in languages other than English.
- Sponsoring inservice training in the cultures of various ethnic groups.
- Encouraging police officers to attend and speak at meetings of ethnic organizations in their communities.
- Conducting special outreach from district attorney's offices to victims belonging to particular ethnic groups.

The absence of comprehensive criminal justice programs addressing the needs of immigrant victims suggests a role for Federal, State, and local governments to promote information-sharing about innovative practices through conferences or technical assistance.

deal with their problems. The choice of research sites and the sample of immigrant victims may also be a factor explaining the high satisfaction level.

Still, some victims experienced problems in their pursuit of justice. Some of those problems were the same problems any victim might encounter—e.g., a police officer who was too busy to see that a victim received medical treatment or a case outcome that a victim considered too lenient. Other victims complained of being unfamiliar with the language or customs they encountered in court. A sizeable minority of the Jackson Heights sample were dissatisfied with the outcomes of their cases. This may be a result characteristic of their typical cases, for example, domestic violence.

However, if the study's findings hold up in future research, it may suggest that the attitudes and expectations of immigrant victims entering the U.S. criminal justice system are not very different from those of native-born victims but that they are more appreciative of efforts to attend to their plight as victims of crime. Although language is a special problem for many recent immigrants, making the criminal justice system more responsive to victims in other respects will go far toward making it more responsive for immigrant victims as well.

A need for additional research

This study suggests that recent immigrants are less likely than other victims to report crimes. This tentative finding needs to be confirmed by rigorous victimization surveys conducted within immigrant communities. More needs to be known about which specific groups of immigrants underreport. That information can be used to develop theories about the connections between the reporting behavior of particular communities of immigrants and the degree to which those communities are insular, unorganized, and alienated from municipal power structures.

Such surveys could also provide information about the meaning of underreporting. When the first large-scale victimization surveys were conducted in the U.S. population 30 years ago, researchers wrote about alarming rates of unreported crimes.[9] However, subsequent research showed that much unreported crime was minor and that victims failed to report crimes because their loss was minimal and they felt they had little to gain by informing authorities.[10] Similarly, research is needed to determine what types of crimes against immigrants go unreported and how serious their effects are on the victims and the community.

Research is also needed to compare representative samples of native-born and immigrant victims in terms of their expectations of the criminal justice system, rates of participation in the court process, and satisfaction with the process and outcome. Such research could help to define whether immigrants can be treated as other victims or if they need special treatment.

Immigrant communities present many obstacles to accurately gauging crime and reporting rates—including language difficulties, mistrust of authorities, residences without telephones, and multiple families living within one house or apartment. Similar problems await researchers studying victims' experiences in the criminal justice process. However, as U.S. society becomes more diverse, equality before the law can be ensured only if *all* persons have access to a uniform system of justice.

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